

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

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| KEVIN ANTONIO RUFF, | : | |
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| Petitioner, | : | |
| | : | |
| VS. | : | NO. 5:13-CV-13 (CAR) |
| | : | |
| UNITED STATES OF AMERICA, | : | |
| | : | |
| Respondent. | : | Proceedings under 28 U.S.C. § 2241 |
| | : | Before the U.S. Magistrate Judge |
| | : | |

RECOMMENDATION

Before the Court is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Petitioner Kevin Antonio Ruff. Doc. 1. Respondent has filed a Motion to Dismiss alleging that this Court lacks jurisdiction to consider petition. Doc. 10. Because Petitioner is currently incarcerated at the Forrest City Low Federal Correctional Institution in Forest City, Arkansas, this Court is without jurisdiction to consider the instant petition. Accordingly, it is hereby **RECOMMENDED** that the petition be **DISMISSED**.

Petitioner's Section 2241 petition challenges the implementation of his federal sentence. A Section 2241 petition must be brought in the district court for the district in which the inmate is incarcerated. Fernandez v. United States, 941 F.2d 1488, 1495 (11th Cir. 1991). Because Petitioner is incarcerated in Arkansas, this Court does not have jurisdiction to consider Petitioner's Section 2241 petition. Moreover, Petitioner concedes that he filed his Section 2241 petition in the inappropriate district court and requests that he be allowed to file his petition in the appropriate court. Doc. 11. Accordingly, it is hereby **RECOMMENDED** that Petitioner's habeas corpus petition be **DISMISSED** without prejudice. Petitioner may file a Section 2241 petition in the district court for the district in which he is incarcerated.

CONCLUSION

Because the Court does not have jurisdiction to consider Petitioner's Section 2241 habeas corpus petition, it is hereby **RECOMMENDED** that the instant petition be **DISMISSED**. Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned WITHIN FOURTEEN (14) DAYS after being served a copy thereof.

SO RECOMMENDED, this 18th day of June, 2013.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge